

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Elections

RULE CITATION: 08 NCAC 21 .0301

DEADLINE FOR RECEIPT: Friday, July 10, 2020

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the Introductory Statement, line 1, please state "08 NCAC 21 .0301 is adopted as published in 34:20 NCR 1849 with changes as follows:"

Please provide a name for Section .0300 on line 2.

So that I'm clear – this Rule establishes that this is not an allowable expenditure pursuant to G.S. 163-278.16B, such that campaign contributions may not be used for residential real property?

If so, is there a reason this couldn't be simplified to "Pursuant to G.S. 163-278.16B, an expenditure shall not include the purchase, lease, rent...?"

In (a), line 6, what do you mean by "directly or indirectly"? How is this determined?

In (b), line 8, please capitalize "Rule"

And I take it you want to use "brothers or sisters" rather than "siblings" to parrot the language in G.S. 163-278.16B(a)(3)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2020

1 08 NCAC 21 .0301 is proposed for adoption as follows:

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3 **08 NCAC 21 .0301 EXPENDITURES FOR RESIDENTIAL REAL PROPERTY**

4 (a) An expenditure does not result from the campaign for public office or result from holding public office under
5 G.S. 163-278.16B if the purpose of the expenditure is to purchase, lease, rent, or make mortgage payments on
6 residential real property that is owned, either directly or indirectly, by the candidate or officeholder, or a member of
7 the candidate's or officeholder's family, even if a portion of the residence is used for the campaign or holding office.

8 (b) For the purpose of this rule, "family" includes a candidate's or officeholder's spouse, children, parents,
9 brothers, or sisters.

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11 *History Note: Authority G.S. 163-278.16B; 163-278.21.*

12 *Eff. August 1, 2020.*